

implementation of the allocation shall be subject to prior approval of the supreme court and availability of funds to the judicial department. A district associate judge appointed pursuant to section 602.6302 or 602.6303 shall not be counted for purposes of this section.

Approved April 28, 1994

CHAPTER 1128

SEXUAL ABUSE, OBSCENE MATERIAL, AND RELATED MATTERS

H.F. 121

AN ACT relating to certain public offenses, by extending the statute of limitations, and by creating additional offenses which constitute sexual abuse in the third degree and which constitute failure of commercial film and photographic print processors to report depictions of minors engaged in prohibited sexual acts.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 709.4, subsection 2, paragraph c, subparagraph (4), Code 1993, is amended to read as follows:

(4) The person is ~~six~~ five or more years older than the other participant.

Sec. 2. Section 728.14, subsection 1, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Nudity of a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a depiction of the nude minor.

Sec. 3. Section 802.2, Code 1993, is amended to read as follows:

802.2 SEXUAL ABUSE OF CHILD.

An information or indictment for sexual abuse in the first, second, or third degree committed on or with a ~~child~~ person who is under the age of twelve ~~eighteen~~ years shall be found ~~not later than six months within five years~~ after the ~~child~~ person upon whom the offense is committed attains eighteen years of age.

Approved April 28, 1994

CHAPTER 1129**CHILD DAY CARE***H.F. 2003*

AN ACT relating to child day care provisions involving age and school status of the children receiving care and building and nutrition requirements.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 237A.1, subsection 8, paragraph b, Code Supplement 1993, is amended to read as follows:

b. "Group day care home" means a facility providing child day care for more than six but less than twelve children, or for less than sixteen children at any one time as authorized in accordance with section 237A.3, subsection 3, provided each child in excess of six children is attending school ~~full-time on a regular basis~~ in kindergarten or a higher grade level.

Sec. 2. Section 237A.3, subsection 1, paragraph b, Code Supplement 1993, is amended to read as follows:

b. No greater number of children than is authorized by the registration certificate shall be kept in the family day care home at any one time. However, a registered or unregistered family day care home may provide care for more than six but less than twelve children at any one time for a period of less than two hours, provided that each child in excess of six children is attending school ~~full-time on a regular basis~~ in kindergarten or a higher grade level.

Sec. 3. Section 237A.3, subsection 1, paragraph d, Code Supplement 1993, is amended to read as follows:

d. In determining the number of children cared for at any one time in a registered or unregistered family day care home, if the person who operates or establishes the home is a child's parent, guardian, relative, or custodian and the child is not attending school ~~full-time on a regular basis~~ in kindergarten or a higher grade level or is not receiving child day care full-time on a regular basis from another person, the child shall be considered to be receiving child day care from the person and shall be counted as one of the children cared for in the home.

Sec. 4. Section 237A.12, subsection 3, Code 1993, is amended to read as follows:

3. The adequacy of activity programs and food services available to the children. The administrator shall not restrict the use of or apply nutritional standards to a lunch or other meal which is brought to the center or family day care home by a school-age child for the child's consumption.

Sec. 5. Section 237A.12, unnumbered paragraphs 2, 3, 4, and 5, Code 1993, are amended to read as follows:

~~Rules promulgated~~ adopted by the state fire marshal for buildings, ~~other than school buildings,~~ used as child care centers as an adjunct to the primary purpose of the building shall take into consideration that children are received for temporary care only and shall not differ from rules ~~promulgated~~ adopted for these buildings when they are used by groups of persons congregating from time to time in the primary use and occupancy of the buildings. However, the rules may require a fire-rated separation from the remaining portion of the building if the fire marshal determines that the separation is necessary for the protection of children from a specific flammable hazard.

Rules relating to fire safety shall be adopted under this chapter by the state fire marshal in consultation with the department. Rules adopted by the state fire marshal for a building which is owned or leased by a school district or accredited nonpublic school and used as a child day care facility shall not differ from standards adopted by the state fire marshal for school buildings under chapter 100. Rules relating to sanitation shall be adopted by the department in consultation with the director of public health. All rules shall be developed in consultation with the state child day care advisory council. The state fire marshal shall inspect the facilities.